

REMARKS/ARGUMENTS

Page 1, line 7 has been amended simply to identify the corresponding US patent (i.e., the English language version) of the German patent DE 43 05 186 C2. An IDS will be filed to make US Patent No. 5,594,416 of record in the examination.

Page 1, line 13 has been amended to correct an obvious typographical error.

Claims 10-20 have been canceled, claims 21-24 have been maintained without amendment and new claims 25-38 have been added. Further examination is requested in view of the RCE filed herewith.

As an initial matter, the indication of allowability of the subject matter of claims 21-24, as well as dependent 20, in the final Office Action is graciously acknowledged.

Representative support for the new claims 25-28 is provided as follows:

New claims 25 and 32 find support in original claims 1 and 4, and the specification at page 3, line 9 to page 4, line 6. Further support is provided by the example shown in Figure 3 and the corresponding description of Figure 3 found at page 6, line 17 to page 7, line 20.

New claims 26 and 33 find support in the specification at page 3, lines 16-17, page 4, line 21 to page 5, line 1 and page 8, lines 3-12.

New claims 27 and 34 find support in original claim 9 and the specification at page 4, line 17 to page 5, line 1 and page 7, line 17 to page 8, line 12.

New claims 28 and 35 find support in original claim 2.

New claims 29 and 36 find support in original claim 6.

New claims 30 and 37 find support in the specification at page 9, lines 10-12.

New claims 31 and 38 find support in original claim 3.

In the final Office Action mailed June 30, 2004, claims 10-14 were rejected as being unpatentable over Lee (USP 4,990,887) in view of Tonkin. Applicant respectfully traverses this rejection based upon new claims 25 and 32.

As was indicated in the final Office Action and described at col. 4, line 62 to page 5, line 9, Lee teaches a delay timer 45 that is operable upon closure of the brake pedal switch 17. The delay timer 45 operates so that the brake light continues to be illuminated for a predetermined time period after ceasing depression, or release of the brake pedal (i.e., opening of the brake pedal switch 17). See also, col. 3, lines 15-22.

Thus, the delay timer merely causes the brake light to be illuminated for a predetermined time period (i.e., 8 seconds) after the brake pedal switch has been opened. Lee provides no teaching or suggestion to determine a momentary brake value or a maximum momentary brake value during the braking operation. Lee also provides no teaching or suggestion to maintain the illumination unaltered for a (variable) period of time until the momentary braking value becomes equal to or less than a predetermined fraction of the determined maximum momentary braking value.

While the predetermined fraction can be set as a constant value or may be a variable that is, e.g., determined from a stored function or map, each braking operation is different, such that the time between the braking value reaching its maximum value during the braking operation and a predetermined fraction thereof may depend upon one or more of, e.g., vehicle speed, road conditions, the application of braking force, wind conditions, etc. Therefore, the present invention envisions a time period that is variable from braking operation to braking operation in dependence upon a variety of factors. Because those same conditions (e.g., vehicle

speed, road/wind conditions, applied braking force, etc.) are also highly relevant to driving safety, the brake light is illuminated in a manner that can more accurately reflect the present driving conditions than a delay timer that extends the brake light illumination for 8 seconds after the brake pedal has been released.

Consequently, it is believed that the obviousness rejection of the claims may be withdrawn. However, should the Examiner have any further suggestions or comments, the undersigned would very much welcome a telephone call in order to address any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully submitted,



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